

## MEMORANDUM

Agenda Item No. 11(A) (46)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

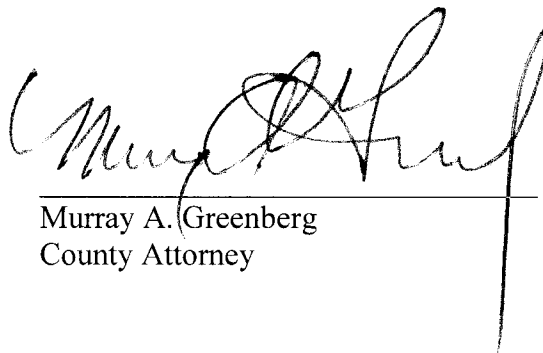
**DATE:** April 24, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution urging the  
Florida Legislature to  
amend Florida Statutes  
when a parallel complaint  
is filed with Florida  
Commission on Ethics  
and Miami-Dade County  
Ethics Commission

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The accompanying resolution was prepared and placed on the agenda at the request of  
Commissioner Rebeca Sosa.



Murray A. Greenberg  
County Attorney

MAG/dcp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** April 24, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(46)

Please note any items checked.

\_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

\_\_\_\_\_ 6 weeks required between first reading and public hearing

\_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing

\_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget

\_\_\_\_\_ Budget required

\_\_\_\_\_ Statement of fiscal impact required

\_\_\_\_\_ Bid waiver requiring County Manager's written recommendation

\_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing

\_\_\_\_\_ Housekeeping item (no policy decision required)

\_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(46)

04-24-07

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING FLORIDA LEGISLATURE TO  
AMEND FLORIDA STATUTES AND THE FLORIDA  
COMMISSION ON ETHICS TO AMEND ITS RULES TO  
REQUIRE COMMISSION ON ETHICS TO DISMISS ANY  
COMPLAINT WHERE THE MIAMI-DADE COUNTY ETHICS  
COMMISSION HAS DISPOSED OF A PARALLEL  
COMPLAINT FILED BY THE SAME PARTY AND ARISING  
OUT OF A COMMON SET OF FACTS

**WHEREAS**, on March 12, 1996, Miami-Dade County voters approved an amendment to the Citizens' Bill of Rights which required the Miami-Dade County Board of County Commissioners ("County Commission") to create the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Commission"); and

**WHEREAS**, on July 8, 1997, the County Commission adopted an ordinance creating the Ethics Commission; and

**WHEREAS**, the Ethics Commission provides a local forum for the full and fair consideration of alleged ethical violations; and

**WHEREAS**, the possibility exists that a person could, based upon the same set of facts, file an ethics complaint with both the Florida Commission on Ethics and the Miami-Dade County Ethics Commission (hereinafter "parallel complaints"); and

**WHEREAS**, the consideration of parallel complaints by the Miami-Dade County Ethics Commission and the Florida Commission on Ethics is an inefficient use of limited resources and may result in both conflicting outcomes and undue hardship to the person accused of a violation; and

**WHEREAS**, the Florida Legislature should amend Florida Statutes to require the Florida Commission on Ethics to dismiss a complaint where the Miami-Dade County Ethics Commission has disposed of a parallel complaint after a full and fair proceeding,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

**Section 1.** This Board urges the Florida Legislature to amend Florida Statutes to require the Florida Commission on Ethics to dismiss a complaint where: (1) the complaining party filed a parallel complaint, arising out of a common nucleus of operative facts, with the Miami-Dade County Ethics Commission which resulted in a finding of no probable cause or a final order disposing of the complaint; (2) the State law upon which the Florida Commission on Ethics complaint is based is not materially different from the provisions of the County or municipal ordinance applied by the Miami-Dade County Ethics Commission when resolving the parallel complaint; and (3) the proceedings before the Miami-Dade County Ethics Commission regarding the parallel complaint were full and fair.

**Section 2.** This Board urges the Florida Commission on Ethics to amend its rules to require the Commission on Ethics to dismiss a complaint where: (1) the complaining party filed a parallel complaint, arising out of a common nucleus of operative facts, with the Miami-Dade County Ethics Commission which resulted in a finding of no probable cause or a final order disposing of the complaint; (2) the State law upon which the Florida Commission on Ethics complaint is based is not materially different from the provisions of the County or municipal ordinance applied by the Miami-Dade County Ethics Commission when resolving the parallel complaint; and (3) the proceedings before the Miami-Dade County Ethics Commission regarding the parallel complaint were full and fair.

**Section 3.** The Clerk of the Board is directed to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the chair and members of the Miami-Dade State Legislative Delegation and to the Florida Commission on Ethics. The Board further directs the County's state lobbyists to advocate for the issues identified in this resolution, and directs the Office of Intergovernmental Affairs to include this item in the 2007 and 2008 state legislative packages.

The foregoing resolution was sponsored by Commissioner Rebeca Sosa and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 24<sup>th</sup> day of April, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency.

GKS

By: \_\_\_\_\_  
Deputy Clerk

Gerald K. Sanchez